

Notice of Allowability

Application No.

09/414,520

Examiner

Rudy Zervigon

Applicant(s)

TAKAHASHI ET AL.

Art Unit

1763

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the after-final amendment filed October 13, 2005.
2. ☒ The allowed claim(s) is/are 6,7,9,11 and 13-17.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08); Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed October 13, 2005 is entered.

Allowable Subject Matter

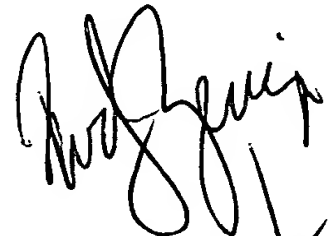
2. Claims 6, 7, 9, 11, and 13-17 are allowed.
3. The following is a statement of reasons for the indication of allowable subject matter:
The prosecution history cites Satou et al (U.S. Pat. 5,961,850), Ovshinsky et al (USPat. 5,324,553), and Akahori et al (USPat. 6,215,087) as being the closest prior art to the pending method claims. In particular, the pending method claims, in similar scope, were finally rejected and reversed by the Board of Patent Appeals and Interferences decision of September 30, 2004. Subsequently, the Examiner added the citation of Tokunaga (USPat. 5,874,013). The amendment to independent claim 6 submitted after-final rejection and filed October 13, 2005 now requires in "...wherein a temperature control accuracy of said temperature adjustment side wall, in said controlling, is $\pm 5^{\circ}\text{C}$...". The Examiner has again reviewed the cited prior art as motivated by the interview of October 13, 2005. After updating the search of the claimed subject matter, the Examiner believes the above cited claim requirement is not taught or suggested in the cited prior art. The result of the Examiner's updated search brings Masuda; Toshio et al. (US 6,815,365 B2) into consideration (column 2, lines 38-54). However, it is noted that Masuda does not teach or suggest additional claim limitations in claim 6 such as ECR plasma generation.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Masuda; Toshio et al. (US 6,815,365 B2)

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Rudy Zervigon whose telephone number is (571) 272.1442. The examiner can normally be reached on a Monday through Thursday schedule from 8am through 7pm. The official fax phone number for the 1763 art unit is (703) 872-9306. Any Inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Chemical and Materials Engineering art unit receptionist at (571) 272-1700. If the examiner can not be reached please contact the examiner's supervisor, Parviz Hassanzadeh, at (571) 272-1435.



10/18/15